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September 26 2007

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Honorable Henry B. Pitman, U.S.M.J.
United States District Court
500 Pearl Street, Room 750
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DCC #:
DATE FILED: 10-3-07

Re: Angel Vargas, et al. v. Midtown Air Condition and Ventilation, Ltd.
Case No. 1:07-cv-03343-RMB

Dear Judge Pitman:

This firm represents Midtown Air Conditioning and Ventilation, Ltd., the defendant in the referenced employment discrimination matter. The purpose of this letter is to respectfully request a two month extension of the initial four month discovery schedule.

The instant complaint was filed by plaintiffs Angel Vargas, Bernardo Ramirez, Ryan McKenzie, Felix Bonilla, and Simon Norales on April 26, 2007. Defendant filed its answer on May 22, 2007. On June 5, 2007, the parties appeared before the Honorable Richard Berman for the initial scheduling conference. According to the Minute Entry recorded on June 8, 2007, Judge Berman ordered that discovery is "due by October 9, 2007." Both parties have exchanged discovery requests and received initial responses thereto.

Despite diligent efforts, however, the parties will be unable to complete discovery by October 9, 2007. There are presently four subpoenas outstanding to third-party witnesses. In addition, although plaintiffs have provided documents and interrogatory responses, the parties are engaging in efforts to resolve some discovery issues. Defendant is optimistic that these issues will be resolved without the need of Your Honor's intervention. Although deposition dates have been scheduled previously, depositions have been adjourned pending completion of the written discovery process. Thus, the parties have not had an opportunity to depose the key witnesses involved in this case.

We have contacted counsel for plaintiffs and advised that defendant are requesting a sixty-day extension of discovery. Ambrose Wotorson, counsel for plaintiffs, consents to a sixty-day extension of the discovery deadline. Accordingly, we respectfully request that the Court adjourn the existing discovery end date of October 9, 2007, and set a new discovery deadline of December 10, 2007.

**Ogletree
Deakins**

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Thank you for your kind consideration of this request.

Respectfully Submitted,

OGLETREE DEAKINS, NASH,
SMOAK & STEWART, P.C.,


Eric C. Stuart

cc: Ambrose Wotorson, Esq. (by facsimile)

*SINCE THIS MATTER IS NOT
REFERRED TO ME, COUNSEL
SHOULD MAKE HIS APPLICATION
DIRECTLY TO JUDGE BERMAN*

SO ORDERED


HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE

10-3-07